

REMARKS

The Office action of March 24, 2004 has been received and its contents carefully noted.

Claims 18-36 are pending in the application. Claims 18, 30, and 35-36 have been amended.

Claims 18-27, 30-31, and 35-36 stand rejected under § 103(a) as being unpatentable over Ghaibeh et al. ("Ghaibeh") (U.S. Patent No. 5,978,374) in view of Tajima et al. ("Tajima") (Asymmetric ATM-PON interface compliant to ITU-T/FSAN Standard for global optical access system). Claims 28-29, and 32-34 stand rejected under § 103(a) as being unpatentable over Ghaibeh and Tajima. Applicants respectfully traverse these rejections, and request allowance thereof in the continuation prosecution application for the following reasons.

The Present Claims are Patentable Over the Cited References

Claims 18-27, 30-31, and 35-36 are not made obvious by Ghaibeh and Tajima

Claims 18-27, 30-31, and 35-36 were rejected under § 103(a) in view of Ghaibeh and Tajima. Applicants strongly contend that Ghaibeh and Tajima, either alone or in combination, fails to disclose the features recited in these claims as amended such as the first additional modality including evaluating bandwidth allocation in the system by said Master Station on an instantaneous

basis based on status of queues in the plurality of peripheral stations received from said plurality to allocate guaranteed bandwidth, defined during a connection setup phase, to at least one requesting peripheral station.

Ghaibeh clearly does not disclose this patentably distinct feature of evaluating bandwidth allocation on an instantaneous basis in the system to allocate guaranteed bandwidth, defined during a connection setup phase, to at least one requesting peripheral station. In direct contrast to the recited feature, Ghaibeh solely checks queue status in the system on a rolling (random or alternative) basis and there is no mention of defining a guaranteed bandwidth during a connection setup phase (see col. 10, lines 4-8).

Particularly, Ghaibeh only allocates bandwidth using a "permit" system during regular system operation, after connection setup, by sending out permits to respective network units on a rolling or reserved basis (see col. 2, lines 51-58). Also, particularly, Ghaibeh states that "...the respective 'generic queues' fields 148 and 149 may be used by the NU MAC 38 to send information to the HEMAC 28 regarding any number of different service type queues, either on a dedicated or alternating basis, depending on available upstream bandwidth and service type priority." (see col. 10, lines 3-8). Thus, Ghaibeh only checks the status of the NU queues on a non-regular basis in contrast to the recited feature of evaluating bandwidth allocation on an instantaneous basis in the

system to allocate guaranteed bandwidth, defined during a connection setup phase, to at least one requesting peripheral station. Applicants strongly contend that checking NU queue status on a non-regular basis as disclosed by Ghaibeh is significantly different from checking system bandwidth allocation on an instantaneous basis to allocate guaranteed bandwidth, defined during a connection setup phase, to at least one requesting peripheral station as recited.

Similarly, Tajima makes no mention of the recited feature of evaluating bandwidth allocation on an instantaneous basis in the system to allocate guaranteed bandwidth, defined during a connection setup phase, to at least one requesting peripheral station. Tajima solely discloses a shared-basis dynamic allocation scheme (see FIG. 4, page 28) with no mention of evaluating bandwidth allocation on an instantaneous basis to allocate guaranteed bandwidth defined during a connection setup phase as recited.

Therefore, it is clear that Ghaibeh and Tajima, either alone or in combination, fail to disclose the recited feature of the first additional modality including evaluating bandwidth allocation in the system by said Master Station on an instantaneous basis based on status of queues in the plurality of peripheral stations received from said plurality to allocate guaranteed bandwidth, defined during a connection setup phase, to at least one requesting peripheral station making the claimed invention patentably distinct

and non-obvious from the cited reference.

Claims 28-29, and 32-34 are not made obvious by Ghaibeh and Tajima

Claims 28-29, and 32-34 were rejected under § 103(a) in view of Ghaibeh and Tajima. Applicants strongly contend that Ghaibeh and Tajima, either alone or in combination, fail to disclose the features recited in these claims as amended such as the first additional modality including evaluating bandwidth allocation in the system by said Master Station on an instantaneous basis based on status of queues in the plurality of peripheral stations received from said plurality to allocate guaranteed bandwidth, defined during a connection setup phase, to at least one requesting peripheral station.

As contended above, Ghaibeh clearly does not disclose this patentably distinct feature as in direct contrast to the recited feature, Ghaibeh solely discloses allocating bandwidth after connection setup, makes no mention of a guaranteed bandwidth, and only checks queue status on a non-regular basis. Further, Tajima solely discloses a shared-use dynamic bandwidth allocation scheme with no mention of guaranteed bandwidth defined during a connection setup phase or evaluating system bandwidth allocation on an instantaneous basis as recited.

Therefore, it is clear that Ghaibeh and Tajima, either alone or in combination, do not disclose the recited feature making the claimed invention patentably distinct and non-obvious from the

cited references.

Conclusion

In view of the amendments and remarks submitted above, it is respectfully submitted that all of the remaining claims are allowable and a Notice of Allowance is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayments to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

The Examiner is invited to contact the undersigned at (703) 205-8000 to discuss the application.

Respectfully submitted,

BIRCH, STEWART, KOLASCH, & BIRCH, LLP

by 
Clint A. Gerdine, Reg.#41,035

CAG:tm
3606-0109P

P.O. Box 747
Falls Church, VA 22040-0747
Phone: (703) 205-8000